

ADOT ADDITIONAL CONDITIONS FOR ACCESS CONTROL, MANAGEMENT OF GATES ACCESSING THE HIGHWAY AND GENERAL MAINTENANCE OF SUBJECT LAND

ACCESS RESTRICTIONS

Grantee shall not exclude from use the State of Arizona, its lessees or grantees, or the general public the right of ingress and egress over this Right of Way, EXCEPT that (a) access to the highway is prohibited in the locations indicated in the attached Exhibit "A" and (b) any access to the highway where access is not prohibited by the locations indicated in the attached Exhibit "A" must be by permit issued by the Grantee herein, the Arizona Department of Transportation.

The use of this Right of Way is to be non-exclusive; EXCEPT grantor acknowledges and will require of any lessees, purchasers, or successors that any additional use of the right of way, other than uses authorized prior to the effective date of this easement, must be consistent with grantee's highway use. This Right of Way is sold subject to existing reservations, easements, or rights of way heretofore legally obtained and now in full force and effect.

RESERVATIONS

Grantor reserves the right to grant other rights in, upon, over, and across the lands described in Exhibit A for any purpose whatsoever which is not inconsistent or incompatible with the use allowed by this easement, and the Grantee agrees to not exclude the Grantor or its lessees, permittees, or grantees from the use of the land described in Exhibit A except that (a) access to the highway is prohibited in the locations indicated in the attached Exhibit A, and (b) any access to the highway not prohibited under (a) in this paragraph must be by permit issued by the Grantee, which shall not be unreasonably withheld.

GATES ACCESSING HIGHWAY

Grantee shall have the right to remove all gates, except as identified in Exhibit B, under the control of the Grantor which may exist in any location identified in the attached Exhibit "A". Prior to the removal of any approved access gates within the Exhibit A property Grantee shall coordinate with Grantor to determine if alternative access is required. Access gates installed prior to 1989 are considered approved gates. If it is determined that alternative access is required, the gate may not be removed until alternative access, acceptable to the Grantor, has been perfected.

FENCING OF RIGHT OF WAY

Grantee may at its sole discretion place fences between its right of way as identified in the attached Exhibit "A" and adjacent State Trust land which are not inconsistent with access needs determined elsewhere within this document.

MAINTENANCE OF SUBJECT LAND

Grantee shall have the right to trim, cut, and clear away trees, brush or other obstructions whenever in its judgment the same shall be necessary for the convenient and safe exercise of the right herein provided.